

STATE OF RHODE ISLAND
PROVIDENCE, S.C.

SUPERIOR COURT

PETER KAZARIAN,	:	
Plaintiff,	:	
v.	:	Civil Action No. PC-2022-04636
SHANIX, INC., D/B/A SHANIX TECHNOLOGY, INC.	:	
Defendant.	:	

NOTICE OF FILING OF NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Shanix, Inc. (“Defendant”) hereby gives notice to the Superior Court of Providence County, Rhode Island, and to the attorney for Plaintiff Peter Kazarian, that on October 25, 2022, Defendant filed a Notice of Removal, thereby removing this action to the United States District Court for the District of Rhode Island. A copy of the Notice of Removal electronically filed on October 25, 2022 is attached hereto.

Respectfully submitted,

SHANIX, d/b/a SHANIX TECHNOLOGY, INC.

By its attorneys,

/s/ Eric B. Mack

Eric B. Mack (#7784)

Gregory E. Henninger (#9776)

LITTLER MENDELSON, P.C.

One Financial Plaza, Suite 2205

Providence, RI 02903

(401) 824-2500

(401) 454-2969 (fax)

emack@littler.com

ghenninger@littler.com

Dated: October 25, 2022

CERTIFICATE OF SERVICE

I, Eric B. Mack, hereby certify that on the 25th day of October, 2022, the foregoing document was e-filed and served through the electronic filing system on the following parties. The document electronically filed and served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Robert E. Savage, Esq.
SAVAGE & SAVAGE
156 Airport Road
Warwick, RI 02889
robert@savageandsavage.com

/s/ Eric B. Mack

Eric B. Mack

4887-4041-0925.1 / 113375-1001

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

PETER KAZARIAN, :
Plaintiff, :
v. : Civil Action No. _____
SHANIX, INC., D/B/A SHANIX :
TECHNOLOGY, INC. :
Defendant. :
:

NOTICE OF REMOVAL

Defendant Shanix, Inc., d/b/a Shanix Technology, Inc., (“Defendant”) files this Notice of Removal in accordance with 28 U.S.C. §§ 1331, 1441, and 1446, and hereby removes this action from the Superior Court of the State of Rhode Island, Providence County, to the United States District Court for the District of Rhode Island. As its reasons for removal, Defendant states:

BACKGROUND

I. By Summons and Complaint, Plaintiff Peter Kazarian (“Plaintiff”) commenced a civil action against Defendant in Providence County Superior Court titled *Peter Kazarian v. Shanix Inc., d/b/a Shanix Technology, Inc.*, C.A. No. KC-2022-04636 (the “Superior Court Action”). True and accurate copies of the Summons and Complaint Plaintiff caused to be served upon Defendant are attached as **Exhibit A** and constitute all processes, pleadings and orders served upon Defendant in this action to the present date. 28 U.S.C. § 1446(a).

2. Defendant was served with the Summons and Complaint in the Superior Court Action on October 5, 2022. The instant Notice of Removal is being filed within thirty (30) days

of the date on which Defendant was served with the Summons and Complaint in the Superior Court Action. 28 U.S.C. § 1446(b).

3. Attached as **Exhibit B** is a copy of the Notice of Filing of Notice of Removal, the original of which is being filed with the Providence County Superior Court. 28 U.S.C. § 1446(d).

FEDERAL QUESTION JURISDICTION

4. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331 because the Complaint states a federal cause of action against Defendant under the Age Discrimination in Employment Act, 29 U.S.C. §§ 621 *et seq.* (“ADEA”). (Compl. ¶¶ 1, 4, 9, 34-36.) Thus, this case is a civil action over which this Court has original “federal question” jurisdiction under 28 U.S.C. § 1331, in that the action arises under the Constitution, laws, or treaties of the United States.

5. Accordingly, this action is removable, without regard to the citizenship or residence of the parties pursuant to 28 U.S.C. §§ 1331 and 1441(b) (“Any civil action of which the district courts have original jurisdiction founded on a claim or right arising under the ... laws of the United States shall be removable without regard to the citizenship or residence of the parties.”).

6. The Court has supplemental jurisdiction over Plaintiff’s state law claim for age discrimination in violations of the Rhode Island Fair Employment Practices Act, R.I. Gen. Laws §§ 28-5-1 *et seq.* (“FEPA”) (Compl. ¶¶ 1, 2, 7-8, 34-36.) and the Rhode Island Civil Rights Act, R.I. Gen. Laws §§ 42-112-1 *et seq.* (“RICRA”) (Compl. ¶¶ 1, 3, 34-36.). The federal claim and state law claims arise from the same case or controversy because they emanate from Plaintiff’s allegations relating to his employment with Defendant and Defendant’s allegedly discriminatory

treatment of Plaintiff. Therefore, this Court has supplemental jurisdiction over Plaintiff's state laws claim. 28 U.S.C. § 1367(a).

REMOVAL TO THIS DISTRICT IS PROPER

7. This Notice of Removal is being filed in the District of Rhode Island, the District Court of the United States for the district and division within which the Superior Court Action is pending. 28 U.S.C. § 120 and 28 U.S.C. §§ 1441(a) and 1446(a).

WHEREFORE, Defendant respectfully requests that the Superior Court Action be removed and proceed in the United States District Court for the District of Rhode Island.

Respectfully submitted,

SHANIX, d/b/a SHANIX TECHNOLOGY, INC.,

/s/ Eric B. Mack

Eric B. Mack (#7784)
Gregory E. Henninger (#9776)
LITTLER MENDELSON, P.C.
One Financial Plaza, Suite 2205
Providence, RI 02903
(401) 824-2500
(401) 454-2969 (fax)
emack@littler.com
ghenninger@littler.com

Dated: October 25, 2022

CERTIFICATE OF SERVICE

I, Eric B. Mack, certify that a true and accurate copy of the foregoing Notice of Removal was filed electronically by operation of the Court's CM/ECF System and served electronically as identified on the Notice of Filing as well as via email upon the following counsel of record on this 25th day of October, 2022:

Robert E. Savage, Esq.
SAVAGE & SAVAGE
156 Airport Road
Warwick, RI 02889
robert@savageandsavage.com

/s/ Eric B. Mack
Eric B. Mack

4874-5112-1709.2 / 113375-1001

EXHIBIT A



STATE OF RHODE ISLAND
SUPERIOR COURT
SUMMONS

Plaintiff Peter Kazarian v. Shanix, Inc. d/b/a Shanix Technology, Inc. Defendant	Civil Action File Number PC-2022-04636 Attorney for the Plaintiff or the Plaintiff Robert E Savage Address of the Plaintiff's Attorney or the Plaintiff SAVAGE & SAVAGE 156 AIRPORT ROAD WARWICK RI 02889
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	Address of the Defendant 40 Worthington Road Cranston RI 02920

TO THE DEFENDANT, Shanix, Inc. d/b/a Shanix Technology, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 7/28/2022.

/s/ Stephen Burke
Clerk

Witness the seal/watermark of the Superior Court



STATE OF RHODE ISLAND
SUPERIOR COURT

Plaintiff
Peter Kazarian
v.
Shanix, Inc. d/b/a Shanix Technology, Inc.
Defendant

Civil Action File Number
PC-2022-04636

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Shanix, Inc. d/b/a Shanix Technology, Inc., by delivering or leaving said papers in the following manner:

With the Defendant personally.
 At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person of suitable age and discretion _____

Address of dwelling house or usual place of abode _____

Age _____

Relationship to the Defendant _____

With an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

With a guardian or conservator of the Defendant.

Name of person and designation _____

By delivering said papers to the attorney general or an assistant attorney general if serving the state.

Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.

Name of person and designation _____



STATE OF RHODE ISLAND
SUPERIOR COURT

Upon a private corporation, domestic or foreign:

By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

I was unable to make service after the following reasonable attempts: _____

SERVICE DATE: _____	Month: _____	Day: _____	Year: _____	SERVICE FEE: \$ _____
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Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature _____

State of _____
 County of _____

On this _____ day of _____, 20_____, before me, the undersigned notary public, personally appeared _____ personally known to the notary or proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____

Page 2 of 2

PETER KAZARIAN,)
Plaintiff) STATE OF RHODE ISALND
VS.)
SHANIX, INC.) C.A. No.: PC 2022-
d/b/a SHANIX TECHOLOGY, INC.) CIVIL ACTION
Defendant)

COMPLAINT

NATURE OF CASE

1. Plaintiff, Peter Kazarian, alleges that his former employer, SHANIX, INC. d/b/a SHANIX TECHOLOGY, INC., in violation of the Rhode Island Fair Employment Practices Act, R.I. Gen. Laws §§ 28-5-1 *et seq.* ("FEPA"), Rhode Island Civil Rights Act, R.I. Gen. Laws §§ 42-112-1 *et seq.* ("RICRA"), and Age Discrimination in Employment Act, §§ 29 U.S.C. 621 *et seq.* ("ADEA"), discriminated against him because of his age by terminating his employment with it.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the Plaintiff's Rhode Island Fair Employment Practices Act claim pursuant to R.I. Gen. Laws § 28-5-24.1.

3. This Court has jurisdiction over the Plaintiff's Rhode Island Civil Rights Act claim pursuant to R.I. Gen. Laws § 42-112-2.

4. This Court has jurisdiction over Plaintiff's Age Discrimination in Employment Act claim pursuant to 29 U.S.C. §§ 621-334 as it is a court of general jurisdiction.

5. Venue is proper in this Court since the alleged unlawful employment practices occurred in Providence County and the Defendant's main place of business is in Providence County.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

6. On May 5, 2021, which was less than 300 days since the Plaintiff had notice of the Defendant's unlawful employment practices, Plaintiff co-filed a charge against SHANIX, INC. d/b/a SHANIX TECHNOLOGY, INC. alleging age discrimination with the Rhode Island Commission for Human Rights ("RICHR") and the United States Equal Employment Opportunity Commission ("EEOC").
7. After the Charge had been pending for more than 120 days but less than two years, Plaintiff requested that the RICHR issue a right to sue notice so that he could pursue his FEPA claims in court.
8. The RICHR issued Plaintiff a Notice of Right to Sue for his FEPA claims against the Defendant on April 29, 2022. This Complaint was filed within ninety days of the date that the Right to Sue Notice from the RICHR was issued.
9. After the Charge had been pending for more than 180 days, the EEOC issued a Notice of Right to Sue to Plaintiff for his ADEA claims against the Defendant on June 29, 2022.
10. This Complaint was filed within ninety days of the date that the Right to Sue Notice from the EEOC was issued to Plaintiff.
11. The Rhode Island Civil Rights Act, RIGL §§ 42-112-1 *et seq.* does not require an exhaustion of administrative remedies and this Complaint was filed within its applicable statute of limitations.

PARTIES

12. Plaintiff, Peter Kazarian, currently lives in Sutton, Massachusetts.

13. Defendant, Plaintiff's former employer, Shanix, Inc., d/b/a Shanix Technology, Inc. (hereinafter "Shanix") is a Rhode Island domestic for-profit corporation that is located in Cranston, R.I.

14. It is Plaintiff's information and belief that Shanix employed 20 or more employees for each business day that Plaintiff worked for it starting in June of 2019 to the present, and at least two years prior to Plaintiff to working for it.

ALLEGATIONS

15. Plaintiff, Peter Kazarian, was 58 years old on the date that Shanix hired him for a position on or about June 2019.
16. As of the third quarter of 2019, Plaintiff held the position of Business Development Manager.
17. In or around the third quarter of 2019, Shanix brought in a new management employee, Brandon Tessier, to hold the position of Director of Business.
18. Mr. Tessier became Plaintiff's supervisor upon his arrival at Shanix.
19. It is Plaintiff's information and belief that Mr. Tessier was promoted to the position of Vice President within about 90 days of him being hired by Shanix.
20. It is Plaintiff's information and belief that Mr. Tessier is substantially younger than Plaintiff.
21. It is Plaintiff's information and belief that Mr. Tessier wanted to terminate Plaintiff from his employment with Shanix because of Plaintiff's age from the inception of Mr. Tessier's arrival at Shanix.

22. Mr. Tessier made several remarks to Plaintiff and others that indicated that he viewed Plaintiff negatively due to Plaintiff's age and that he wanted to terminate Plaintiff because of Plaintiff's age.

23. Shortly after Mr. Tessier began working at Shanix, while Plaintiff was sitting in Shanix's coffee/lunchroom, Mr. Tessier made a point of telling Plaintiff that he knew Plaintiff's age.

24. Close to when Mr. Tessier first arrived, when they were going over a process on the spreadsheet program Excel, Mr. Tessier told Plaintiff that it was "time for a young dog to teach an old dog new tricks."

25. In late winter of 2019, it was apparent to Plaintiff that Mr. Tessier wanted to terminate Plaintiff because of Plaintiff's age.

26. Due to this concern, while they were working on a project for which Plaintiff was needed to complete it, Plaintiff asked Mr. Tessier the question, "If I was not working on this would you have let me go?" And Mr. Tessier replied that Plaintiff would have been gone in a second.

27. This comment confirmed to Plaintiff that Mr. Tessier was waiting for an opportunity to terminate him when doing so would do the least harm to Shanix.

28. It is Plaintiff's information and belief that Mr. Tessier directed the workflow so that Plaintiff would not get credit for work that Plaintiff should be doing and trying to deny Plaintiff commission pay that Plaintiff was entitled to receive.

29. For example, on or about July 1, 2020 through July 2, 2020, when an existing client, a university located in Rhode Island, was requesting quotes for a job that normally would be directed to Plaintiff, Mr. Tessier directed that work in a way that he would ensure that

Plaintiff did not get credit for issuing these quotes or getting a commission if Shanix received the job.

30. On July 10, 2010, Shanix terminated Plaintiff from his position at Shanix and it is Plaintiff's information and belief that the *de facto* decisionmaker was Mr. Tessier.
31. It is Plaintiff's information and belief that Mr. Tessier terminated Plaintiff because of Plaintiff's age was confirmed when Plaintiff learned, after Plaintiff was terminated, when two employees, who were substantially younger than Plaintiff, who were hired by Mr. Tessier, informed Plaintiff that Mr. Tessier told them in their interviews that he intended to replace the older sales team members with younger more hungry sales consultants.
32. At the time of their interviews, Plaintiff was the only sales consultant who was over 50 years old. He was, in substance, telling these candidates that he intended to terminate Plaintiff because of Plaintiff's age.
33. It is Plaintiff's information and belief that Shanix violated the Rhode Island Fair Employment Practices Act, RI Gen. Law, § 28-5-1 *et seq.* and Rhode Island Civil Rights Act, § 42-112-1 *et seq.* and Age Discrimination in Employment Act, §§ 29 U.S.C. 621 *et seq.* by terminating Plaintiff from his employment with it on the basis of his age.

CAUSES OF ACTION

FOR AGE MOTIVATED ADVERSE TERMS AND CONDITIONS OF EMPLOYMENT and TERMINATION OF EMPLOYMENT

PETER KAZARIAN VS. SHANIX, INC. D/B/A SHANIX TECHNOLOGY, INC.

First Cause of Action: FEPA, R.I. Gen. Laws §§ 28-5-1 *et seq.*

Second Cause of Action: RICRA, R.I. Gen. Laws §§ 42-112-1 *et seq.*

Third Cause of Action: ADEA, 29 U.S.C. §§ 29 U.S.C. 621 *et seq.*

34. Plaintiff incorporates all the above paragraphs of this Complaint for Causes of Action

One, Two, and Three.

35. Defendant Shanix has continuously and intentionally discriminated against Plaintiff on the basis of his age in violation of the Rhode Island Fair Employment Practices Act, R.I. Gen. Laws § 28-5-1 *et seq.*, Rhode Island Civil Rights Act, R.I. Gen. Laws §§ 42-112-1 *et seq.* and, Age Discrimination in Employment Act, §§ 29 U.S.C. 621 *et seq.* by: (1) denying him equal terms and conditions of employment; and (2) by terminating his employment.

36. As a direct and proximate cause result of said acts, in general, Plaintiff has suffered economic damages, including, but not limited to, back pay and benefits, and mental, emotional, and social damages including, but not limited to, emotional distress, loss of enjoyment of life, humiliation, and damage to his personal and business reputation, as a result of Defendant discriminating against him on the basis of his age.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment:

- a. Declaring that the acts and practices complained of herein are in violation of the Rhode Island Fair Employment Practices Act, R.I. Gen. Laws §§ 28-5-1 *et seq.*, Rhode Island Civil Rights Act, R.I. Gen. Laws §§ 42-112-1 *et seq.*, and Age Discrimination in Employment Act, §§ 29 U.S.C. 621 *et seq.*;
- b. Enjoining and permanently restraining the Defendant from further violating the Rhode Island Fair Employment Practices Act, R.I. Gen. Laws §§ 28-5-1 *et seq.*, Rhode Island Civil Rights Act, R.I. Gen. Laws §§ 42-112-1 *et seq.*, and Age Discrimination in Employment Act, §§ 29 U.S.C. 621 *et seq.*;

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- c. Pursuant to the Rhode Island Fair Employment Practices Act, R.I. Gen. Laws §§ 28-5-1 *et seq.*, The Rhode Island Civil Rights Act, R.I. Gen. Laws §§ 42-112-1 *et seq.*, and the Age Discrimination in Employment Act, §§ 29 U.S.C. 621 *et seq.* directing Defendant to take such affirmative action as is necessary to ensure that the effects of these unlawful discriminatory practices are eliminated and do not affect Plaintiff's future employment opportunities;
- d. Pursuant to the Rhode Island Fair Employment Practices Act, R.I. Gen. Laws §§ 28-5-1 *et seq.*, Rhode Island Civil Rights Act, R.I. Gen. Laws §§ 42-112-1 *et seq.*, and Age Discrimination in Employment Act, §§ 29 U.S.C. 621 *et seq.*, directing Defendant to place Plaintiff in the place she would have occupied but for Defendant's discriminatory treatment of him, and make him whole for all earnings he would have received but for Defendant's discriminatory treatment, including, but not limited to, wages, and employee benefits;
- e. Pursuant to the Rhode Island Fair Employment Practices Act, R.I. Gen. Laws §§ 28-5-1 *et seq.* and Rhode Island Civil Rights Act, R.I. Gen. Laws §§ 42-112-1 *et seq.*, awarding the Plaintiff compensatory damages for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, psychological and psychiatric injuries, loss of enjoyment of life, and other non-pecuniary losses to be determined by a jury for violations of the Rhode Island Fair Employment Practices Act, R.I. Gen. Laws §§ 28-5-1 *et seq.* and/or the Rhode Island Civil Rights Act, R.I. Gen. Laws §§ 42-112-1 *et seq.*;
- f. Awarding the Plaintiff punitive damages for Defendant's intentional violations of the Rhode Island Fair Employment Practices Act, R.I. Gen. Laws §§ 28-5-1 *et seq.* and/or Rhode Island Civil Rights Act, R.I. Gen. Laws §§ 42-112-1 *et seq.* Defendant was aware of the Plaintiff's statutory rights pursuant to the Rhode Island Fair Employment Practices Act, R.I. Gen. Laws

§§ 28-5-1 *et seq* and/or The Rhode Island Civil Rights Act, R.I. Gen. Laws §§ 42-112-1 *et seq.*, and intentionally violated these statutes and did so with malice and ill will toward Plaintiff and/or reckless indifference to Plaintiff's statutorily protected rights.

- g. Awarding Plaintiff liquidated damages in an amount equal to the amount awarded for back pay for Defendant's intentional violation of the Age Discrimination in Employment Act, §§ 29 U.S.C. 621 *et seq.*;
- h. Awarding Plaintiff, the costs of this action together with reasonable attorney's fees and expert witness fees, as provided by the Rhode Island Fair Employment Practices Act, R.I. Gen. Laws §§ 28-5-1 *et seq.*, Rhode Island Civil Rights Act, R.I. Gen. Laws §§ 42-112-1 *et seq.*, and the Age Discrimination in Employment Act, §§ 29 U.S.C. 621 *et seq.*;
- i. Awarding Plaintiff interest on the entire judgement; and
- j. Granting such other and further relief as this Court deems necessary and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY

Respectfully submitted,
By Plaintiff's Attorney,

/s/ Robert E. Savage

Robert E. Savage (#4461)
SAVAGE & SAVAGE
156 Airport Road
Warwick, RI 02889
Telephone: (401) 732-9500
Fax: (401) 732-0166
robert@savageandsavage.com

EXHIBIT B

STATE OF RHODE ISLAND
PROVIDENCE, S.C.

SUPERIOR COURT

PETER KAZARIAN,	:	
Plaintiff,	:	
v.	:	Civil Action No. PC-2022-04636
SHANIX, INC., D/B/A SHANIX TECHNOLOGY, INC.	:	
Defendant.	:	

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Respectfully submitted,

SHANIX, d/b/a SHANIX TECHNOLOGY, INC.

By its attorneys,

/s/ Eric B. Mack

Eric B. Mack (#7784)

Gregory E. Henninger (#9776)

LITTLER MENDELSON, P.C.

One Financial Plaza, Suite 2205

Providence, RI 02903

(401) 824-2500

(401) 454-2969 (fax)

emack@littler.com

ghenninger@littler.com

Dated: October 25, 2022

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Robert E. Savage, Esq.
SAVAGE & SAVAGE
156 Airport Road
Warwick, RI 02889
robert@savageandsavage.com

/s/ Eric B. Mack

Eric B. Mack

4887-4041-0925.1 / 113375-1001

CIVIL COVER SHEET

Review the *Instructions* over sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

L. (a) PLAINTIFFS

Peter Kazarian

DEFENDANTS

Shanix, Inc., d/b/a Shanix Technology, Inc.

(b) County of Residence of First Listed Plaintiff
 (EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Providence

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)
 Robert E. Savage, Esq., Savage & Savage
 156 Airport Road, Warwick, RI 02889

Attorneys (If Known)
 Eric B. Mack, Esq., Littler Mendelson, PC
 One Financial Plaza, Providence, RI 02903

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

PTF	DEF	PTF	DEF
<input type="checkbox"/> 1 Citizen of This State	<input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
<input type="checkbox"/> 2 Citizen of Another State	<input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
<input type="checkbox"/> 3 Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT

(Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	PROPERTY RIGHTS	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	PERSONAL PROPERTY	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	SOCIAL SECURITY	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	LABOR	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
REAL PROPERTY	CIVIL RIGHTS	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 751 Family and Medical Leave Act		<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 790 Other Labor Litigation	FEDERAL TAX SUITS	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input checked="" type="checkbox"/> 442 Employment	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	IMMIGRATION	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 462 Naturalization Application		<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 465 Other Immigration Actions		<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 448 Education			

V. ORIGIN

(Place an "X" in One Box Only)

<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
--	--	--	---	--	--	---

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 28 U.S.C. §§ 1331, 1441, and 1446(a)

VI. CAUSE OF ACTION

Brief description of cause:
 Age discrimination in violation of federal and state law

VII. REQUESTED IN COMPLAINT:

<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.	DEMAND \$	CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--	------------------	---

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE
 10/25/2022

SIGNATURE OF ATTORNEY OF RECORD
 /s/ Eric B. Mack #7784

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I.(a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.

Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

PROVIDENCE/BRISTOL COUNTY SUPERIOR COURT

SC DOCKET SHEET

CASE NO. PC-2022-04636

Peter Kazarian
v.
Shanix, Inc. d/b/a Shanix Technology, Inc.

§ Location: Providence/Bristol County
§ Superior Court
§ Filed on: 07/27/2022
§ US District Court Case 1:22-cv-00381
§ Number:

CASE INFORMATION

Statistical Closures Case Type: Civil Rights/Job Discrimination
10/25/2022 Closed-Non-Trial-Unassigned-Remanded to District Court
Case Status: 10/25/2022 Closed
Case Flags: Claim for Jury Trial

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number PC-2022-04636
Court Providence/Bristol County Superior Court
Date Assigned 07/27/2022

PARTY INFORMATION

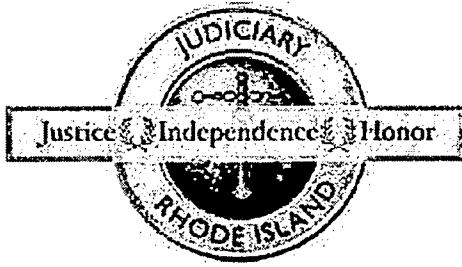
Plaintiff	Kazarian, Peter	Lead Attorneys SAVAGE, ROBERT E <i>Retained</i> 4017329500(W)
Defendant	Shanix, Inc. d/b/a Shanix Technology, Inc.	MACK, ERIC B. <i>Retained</i> 4018242432(W)

DATE

EVENTS & ORDERS OF THE COURT

EVENTS

10/25/2022 Closed-Non-Trial-Unassigned-Remanded to District Court
10/25/2022 Case Removed to US District Court
10/25/2022  Notice of Removal
Notice of Filing of Notice of Removal
07/28/2022  Summons
07/27/2022  Complaint Filed
Complaint Kazarian



**STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS**

CLERK'S CERTIFICATE AND TRANSMITTAL OF THE RECORD

Case Information

Case Caption: Peter Kazarian vs. Shanix, Inc.d/b/a Shanix Technology, Inc.
Federal Court Case No. 1:22-cv-00381 State Court Case No. PC-2022-04636

Record Information

Confidential: Yes No Description: _____
Sealed documents: Yes No Description: _____

Certification

I, Stephen Burke, Clerk of the Rhode Island Superior Court for the County of
Providence do certify that the attached documents are all the documents
included in the record in the above referenced case.

Date: Oct/25/2022

Clerk:

/s/ Stephen Burke

Prepared by:

/s/ Maureen M. Daily



STATE OF RHODE ISLAND

SUPERIOR COURT

SUMMONS

Civil Action File Number PC-2022-04636
--

Plaintiff

Peter Kazarian

v.

Shanix, Inc. d/b/a Shanix Technology, Inc.

Defendant

Attorney for the Plaintiff or the Plaintiff Robert E Savage

Address of the Plaintiff's Attorney or the Plaintiff SAVAGE & SAVAGE 156 AIRPORT ROAD WARWICK RI 02889
--

Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250
--

Address of the Defendant 40 Worthington Road Cranston RI 02920

TO THE DEFENDANT, Shanix, Inc. d/b/a Shanix Technology, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 7/28/2022.	/s/ Stephen Burke
--	-------------------

Clerk

Witness the seal/watermark of the Superior Court



STATE OF RHODE ISLAND
SUPERIOR COURT

Plaintiff

Peter Kazarian

v.

Shanix, Inc. d/b/a Shanix Technology, Inc.

Defendant

Civil Action File Number
PC-2022-04636

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Shanix, Inc. d/b/a Shanix Technology, Inc., by delivering or leaving said papers in the following manner:

With the Defendant personally.
 At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person of suitable age and discretion _____

Address of dwelling house or usual place of abode _____

Age _____

Relationship to the Defendant _____

With an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

With a guardian or conservator of the Defendant.

Name of person and designation _____

By delivering said papers to the attorney general or an assistant attorney general if serving the state.

Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.

Name of person and designation _____



STATE OF RHODE ISLAND
SUPERIOR COURT

Upon a private corporation, domestic or foreign:

By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

I was unable to make service after the following reasonable attempts: _____

SERVICE DATE: _____ / _____ / _____ Month Day Year	SERVICE FEE \$ _____
---	----------------------

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature

State of _____

County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ personally known to the notary or proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____

Page 2 of 2

PETER KAZARIAN,)
Plaintiff) STATE OF RHODE ISALND
VS.)
SHANIX, INC.) C.A. No.: PC 2022-
d/b/a SHANIX TECHNOLOGY, INC.) CIVIL ACTION
Defendant)

COMPLAINT

NATURE OF CASE

1. Plaintiff, Peter Kazarian, alleges that his former employer, SHANIX, INC. d/b/a SHANIX TECHNOLOGY, INC., in violation of the Rhode Island Fair Employment Practices Act, R.I. Gen. Laws §§ 28-5-1 *et seq.* (“FEPA”), Rhode Island Civil Rights Act, R.I. Gen. Laws §§ 42-112-1 *et seq.* (“RICRA”), and Age Discrimination in Employment Act, §§ 29 U.S.C. 621 *et seq.* (“ADEA”), discriminated against him because of his age by terminating his employment with it.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the Plaintiff’s Rhode Island Fair Employment Practices Act claim pursuant to R.I. Gen. Laws § 28-5-24.1.
3. This Court has jurisdiction over the Plaintiff’s Rhode Island Civil Rights Act claim pursuant to R.I. Gen. Laws § 42-112-2.
4. This Court has jurisdiction over Plaintiff’s Age Discrimination in Employment Act claim pursuant to 29 U.S.C. §§ 621-334 as it is a court of general jurisdiction.
5. Venue is proper in this Court since the alleged unlawful employment practices occurred in Providence County and the Defendant’s main place of business is in Providence County.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

6. On May 5, 2021, which was less than 300 days since the Plaintiff had notice of the Defendant's unlawful employment practices, Plaintiff co-filed a charge against SHANIX, INC. d/b/a SHANIX TECHNOLOGY, INC. alleging age discrimination with the Rhode Island Commission for Human Rights ("RICHR") and the United States Equal Employment Opportunity Commission ("EEOC").
7. After the Charge had been pending for more than 120 days but less than two years, Plaintiff requested that the RICHR issue a right to sue notice so that he could pursue his FEPA claims in court.
8. The RICHR issued Plaintiff a Notice of Right to Sue for his FEPA claims against the Defendant on April 29, 2022. This Complaint was filed within ninety days of the date that the Right to Sue Notice from the RICHR was issued.
9. After the Charge had been pending for more than 180 days, the EEOC issued a Notice of Right to Sue to Plaintiff for his ADEA claims against the Defendant on June 29, 2022.
10. This Complaint was filed within ninety days of the date that the Right to Sue Notice from the EEOC was issued to Plaintiff.
11. The Rhode Island Civil Rights Act, RIGL §§ 42-112-1 *et seq.* does not require an exhaustion of administrative remedies and this Complaint was filed within its applicable statute of limitations.

PARTIES

12. Plaintiff, Peter Kazarian, currently lives in Sutton, Massachusetts.

13. Defendant, Plaintiff's former employer, Shanix, Inc., d/b/a Shanix Technology, Inc. (hereinafter "Shanix") is a Rhode Island domestic for-profit corporation that is located in Cranston, R.I.

14. It is Plaintiff's information and belief that Shanix employed 20 or more employees for each business day that Plaintiff worked for it starting in June of 2019 to the present, and at least two years prior to Plaintiff to working for it.

ALLEGATIONS

15. Plaintiff, Peter Kazarian, was 58 years old on the date that Shanix hired him for a position on or about June 2019.

16. As of the third quarter of 2019, Plaintiff held the position of Business Development Manager.

17. In or around the third quarter of 2019, Shanix brought in a new management employee, Brandon Tessier, to hold the position of Director of Business.

18. Mr. Tessier became Plaintiff's supervisor upon his arrival at Shanix.

19. It is Plaintiff's information and belief that Mr. Tessier was promoted to the position of Vice President within about 90 days of him being hired by Shanix.

20. It is Plaintiff's information and belief that Mr. Tessier is substantially younger than Plaintiff.

21. It is Plaintiff's information and belief that Mr. Tessier wanted to terminate Plaintiff from his employment with Shanix because of Plaintiff's age from the inception of Mr. Tessier's arrival at Shanix.

22. Mr. Tessier made several remarks to Plaintiff and others that indicated that he viewed Plaintiff negatively due to Plaintiff's age and that he wanted to terminate Plaintiff because of Plaintiff's age.

23. Shortly after Mr. Tessier began working at Shanix, while Plaintiff was sitting in Shanix's coffee/lunchroom, Mr. Tessier made a point of telling Plaintiff that he knew Plaintiff's age.

24. Close to when Mr. Tessier first arrived, when they were going over a process on the spreadsheet program Excel, Mr. Tessier told Plaintiff that it was "time for a young dog to teach an old dog new tricks."

25. In late winter of 2019, it was apparent to Plaintiff that Mr. Tessier wanted to terminate Plaintiff because of Plaintiff's age.

26. Due to this concern, while they were working on a project for which Plaintiff was needed to complete it, Plaintiff asked Mr. Tessier the question, "If I was not working on this would you have let me go?" And Mr. Tessier replied that Plaintiff would have been gone in a second.

27. This comment confirmed to Plaintiff that Mr. Tessier was waiting for an opportunity to terminate him when doing so would do the least harm to Shanix.

28. It is Plaintiff's information and belief that Mr. Tessier directed the workflow so that Plaintiff would not get credit for work that Plaintiff should be doing and trying to deny Plaintiff commission pay that Plaintiff was entitled to receive.

29. For example, on or about July 1, 2020 through July 2, 2020, when an existing client, a university located in Rhode Island, was requesting quotes for a job that normally would be directed to Plaintiff, Mr. Tessier directed that work in a way that he would ensure that

Plaintiff did not get credit for issuing these quotes or getting a commission if Shanix received the job.

30. On July 10, 2010, Shanix terminated Plaintiff from his position at Shanix and it is Plaintiff's information and belief that the *de facto* decisionmaker was Mr. Tessier.
31. It is Plaintiff's information and belief that Mr. Tessier terminated Plaintiff because of Plaintiff's age was confirmed when Plaintiff learned, after Plaintiff was terminated, when two employees, who were substantially younger than Plaintiff, who were hired by Mr. Tessier, informed Plaintiff that Mr. Tessier told them in their interviews that he intended to replace the older sales team members with younger more hungry sales consultants.
32. At the time of their interviews, Plaintiff was the only sales consultant who was over 50 years old. He was, in substance, telling these candidates that he intended to terminate Plaintiff because of Plaintiff's age.
33. It is Plaintiff's information and belief that Shanix violated the Rhode Island Fair Employment Practices Act, RI Gen. Law, § 28-5-1 *et seq.* and Rhode Island Civil Rights Act, § 42-112-1 *et seq.* and Age Discrimination in Employment Act, §§ 29 U.S.C. 621 *et seq.* by terminating Plaintiff from his employment with it on the basis of his age.

CAUSES OF ACTION

FOR AGE MOTIVATED ADVERSE TERMS AND CONDITIONS OF EMPLOYMENT

and TERMINATION OF EMPLOYMENT

PETER KAZARIAN VS. SHANIX, INC. D/B/A SHANIX TECHNOLOGY, INC.

First Cause of Action: FEPA, R.I. Gen. Laws §§ 28-5-1 *et seq.*

Second Cause of Action: RICRA, R.I. Gen. Laws §§ 42-112-1 *et seq.*

Third Cause of Action: ADEA, 29 U.S.C. §§ 29 U.S.C. 621 *et seq.*

34. Plaintiff incorporates all the above paragraphs of this Complaint for Causes of Action

One, Two, and Three.

35. Defendant Shanix has continuously and intentionally discriminated against Plaintiff on the basis of his age in violation of the Rhode Island Fair Employment Practices Act, R.I. Gen. Laws § 28-5-1 *et seq.*, Rhode Island Civil Rights Act, R.I. Gen. Laws §§ 42-112-1 *et seq.* and, Age Discrimination in Employment Act, §§ 29 U.S.C. 621 *et seq.* by: (1) denying him equal terms and conditions of employment; and (2) by terminating his employment.

36. As a direct and proximate cause result of said acts, in general, Plaintiff has suffered economic damages, including, but not limited to, back pay and benefits, and mental, emotional, and social damages including, but not limited to, emotional distress, loss of enjoyment of life, humiliation, and damage to his personal and business reputation, as a result of Defendant discriminating against him on the basis of his age.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment:

- a. Declaring that the acts and practices complained of herein are in violation of the Rhode Island Fair Employment Practices Act, R.I. Gen. Laws §§ 28-5-1 *et seq.*, Rhode Island Civil Rights Act, R.I. Gen. Laws §§ 42-112-1 *et seq.*, and Age Discrimination in Employment Act, §§ 29 U.S.C. 621 *et seq.*;
- b. Enjoining and permanently restraining the Defendant from further violating the Rhode Island Fair Employment Practices Act, R.I. Gen. Laws §§ 28-5-1 *et seq.*, Rhode Island Civil Rights Act, R.I. Gen. Laws §§ 42-112-1 *et seq.*, and Age Discrimination in Employment Act, §§ 29 U.S.C. 621 *et seq.*;

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- c. Pursuant to the Rhode Island Fair Employment Practices Act, R.I. Gen. Laws §§ 28-5-1 *et seq.*, The Rhode Island Civil Rights Act, R.I. Gen. Laws §§ 42-112-1 *et seq.*, and the Age Discrimination in Employment Act, §§ 29 U.S.C. 621 *et seq.* directing Defendant to take such affirmative action as is necessary to ensure that the effects of these unlawful discriminatory practices are eliminated and do not affect Plaintiff's future employment opportunities;
- d. Pursuant to the Rhode Island Fair Employment Practices Act, R.I. Gen. Laws §§ 28-5-1 *et seq.*, Rhode Island Civil Rights Act, R.I. Gen. Laws §§ 42-112-1 *et seq.*, and Age Discrimination in Employment Act, §§ 29 U.S.C. 621 *et seq.*, directing Defendant to place Plaintiff in the place she would have occupied but for Defendant's discriminatory treatment of him, and make him whole for all earnings he would have received but for Defendant's discriminatory treatment, including, but not limited to, wages, and employee benefits;
- e. Pursuant to the Rhode Island Fair Employment Practices Act, R.I. Gen. Laws §§ 28-5-1 *et seq.* and Rhode Island Civil Rights Act, R.I. Gen. Laws §§ 42-112-1 *et seq.*, awarding the Plaintiff compensatory damages for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, psychological and psychiatric injuries, loss of enjoyment of life, and other non-pecuniary losses to be determined by a jury for violations of the Rhode Island Fair Employment Practices Act, R.I. Gen. Laws §§ 28-5-1 *et seq.* and/or the Rhode Island Civil Rights Act, R.I. Gen. Laws §§ 42-112-1 *et seq.*;
- f. Awarding the Plaintiff punitive damages for Defendant's intentional violations of the Rhode Island Fair Employment Practices Act, R.I. Gen. Laws §§ 28-5-1 *et seq.* and/or Rhode Island Civil Rights Act, R.I. Gen. Laws §§ 42-112-1 *et seq.* Defendant was aware of the Plaintiff's statutory rights pursuant to the Rhode Island Fair Employment Practices Act, R.I. Gen. Laws

§§ 28-5-1 *et seq* and/or The Rhode Island Civil Rights Act, R.I. Gen. Laws §§ 42-112-1 *et seq.*, and intentionally violated these statutes and did so with malice and ill will toward Plaintiff and/or reckless indifference to Plaintiff's statutorily protected rights.

- g. Awarding Plaintiff liquidated damages in an amount equal to the amount awarded for back pay for Defendant's intentional violation of the Age Discrimination in Employment Act, §§ 29 U.S.C. 621 *et seq.*;
- h. Awarding Plaintiff, the costs of this action together with reasonable attorney's fees and expert witness fees, as provided by the Rhode Island Fair Employment Practices Act, R.I. Gen. Laws §§ 28-5-1 *et seq.*, Rhode Island Civil Rights Act, R.I. Gen. Laws §§ 42-112-1 *et seq.*, and the Age Discrimination in Employment Act, §§ 29 U.S.C. 621 *et seq.*;
- i. Awarding Plaintiff interest on the entire judgement; and
- j. Granting such other and further relief as this Court deems necessary and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY

Respectfully submitted,
By Plaintiff's Attorney,

/s/ Robert E. Savage

Robert E. Savage (#4461)
SAVAGE & SAVAGE
156 Airport Road
Warwick, RI 02889
Telephone: (401) 732-9500
Fax: (401) 732-0166
robert@savageandsavage.com